

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

JUN 27 PM 12:51

U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

UNITED STATES OF AMERICA,	)	<u>SUPERSEDING</u>
	)	<u>INDICTMENT</u>
Plaintiff,)	
	)	JUDGE SARA LIOI
)	
v.	)	CASE NO. 1:17CR234
	)	Title 18, Sections 922(g)(1) and
RAFAEL JONES,	)	924(d)(1), United States Code;
	)	Title 21, Sections 841(a)(1),
Defendant.	)	(b)(1)(C) and 853, United States
	)	Code; Title 28, Section 2461(c),
	)	United States Code

COUNT ONE

(Felon in Possession of Firearm and Ammunition, in violation of 18 U.S.C. § 922(g)(1))

The Grand Jury charges:

1. On or about June 2, 2017, in the Northern District of Ohio, Eastern Division, Defendant RAFAEL JONES, having been previously convicted of crimes punishable by imprisonment for a term exceeding one year, those being, trafficking in heroin and domestic violence, in Case Number 15-592450-A, in the Cuyahoga County Common Pleas Court, on or about June 1, 2015, did knowingly possess in and affecting interstate commerce a firearm and ammunition, to wit: a Jimenez Arms J.A. Nine, 9mm semi-automatic hand gun, serial number 301005, and ammunition, in violation of Title 18, Section 922(g)(1), United States Code.

COUNT TWO

(Distribution of Fentanyl, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C))

The Grand Jury further charges:

2. On or about May 13, 2017, in the Northern District of Ohio, Eastern Division, Defendant RAFAEL JONES did knowingly and intentionally distribute a mixture or substance containing a detectable amount of Fentanyl, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

ENHANCED PENALTY UNDER TITLE 21,
UNITED STATES CODE, SECTION 841(b)(1)(C)
(Death or Serious Bodily Injury Resulting from Use of Controlled Substance)

3. The allegations of Count 2 are hereby re-alleged and incorporated herein. On or about May 13, 2017, in Brunswick, Ohio, IND-1, a person whose identity is known to the Grand Jury, did fatally ingest and overdose on a controlled substance, namely fentanyl, which Defendant had distributed to IND-1.

4. As a result of Defendant's distribution of fentanyl alleged in Count 2, death did result from the use of fentanyl, a Schedule II controlled substance, in violation of the enhanced penalty provisions of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

FORFEITURE

The Grand Jury further charges:

5. For the purpose of alleging forfeiture pursuant to Title 21, United States Code, Section 853, Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c), the allegations of Counts 1 and 2, inclusive, are incorporated herein by reference. As a result of the foregoing offenses, Defendant RAFAEL JONES shall forfeit to the United States any and all property constituting, or derived from, any proceeds he obtained, directly or indirectly, as the result of such violations; any and all property used or intended to be used, in any manner or part, to commit or to facilitate the commission of such violations; and, any and all property (including firearms and ammunition) involved in or used in the commission

of such violations, including but not limited to:

- a. Jimenez Arms J.A. Nine, 9mm semi-automatic hand gun serial number 301005, and ammunition.

A TRUE BILL.

Original document - Signatures on file with the Clerk of Courts, pursuant to the E-Government Act of 2002.